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10/597,310

07/20/2006

Johannes Maria Van Meurs

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06/23/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

A, MINH D

ART UNIT

PAPER NUMBER

2821

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/597,310 | <b>Applicant(s)</b><br>VAN MEURS ET AL. |  |
|                              | <b>Examiner</b><br>MINH D. A         | <b>Art Unit</b><br>2821                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on Response dated March 25-2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office Action is a response to Applicant's Amendment filed on March 25/2009. In virtue of this amendment, claims 14-20 are newly added; and thus, claims 1-20 are currently presented in the instant application.

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-7, 12-14, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Mita (Pub. No.: US 2003/0222594).

Regarding claim 1, Mita discloses, in figures 1 and 3 at the right that, a high frequency driver for a gas discharge lamp that includes a capacitor in parallel to the lamp and an inductor that is in series with the parallel connection of the lamp and capacitor, comprising an oscillator, that includes DC input terminals for connecting to a DC source and AC output terminals for connecting to a load comprising the lamp(12), the inductor(L1) and the capacitor(C1), the oscillator(see inverter control circuit (21) is coupled to Oscillation halting circuit (29)) providing a lamp voltage at a first

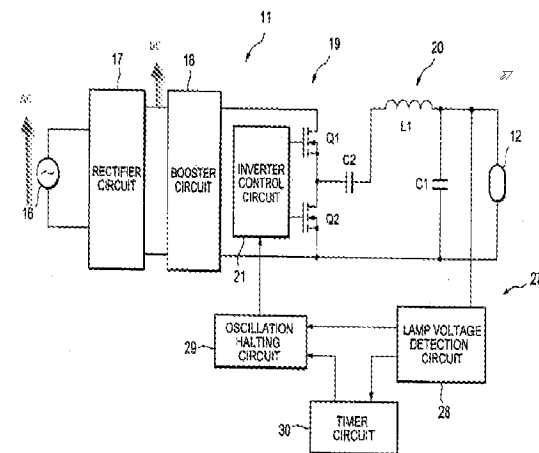


FIG. 1

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high oscillating frequency ( $f_{o1}$ ) during ignition of the lamp(12) and at a second high oscillating frequency( $f_{o1}$ ) during normal operation of the lamp(12) after its ignition, wherein at least one of the first and second oscillating frequencies( $f_{o1}$ ,  $f_o$ ) is frequency modulated (see figure 3 at the right). Page 4, paragraph [0049] to paragraph [0054] and page 5, paragraph [0057], lines 1-15.

Regarding claim 6 and 12, Mita discloses wherein the modulating frequency being derived from an AC supply (AC source) to the DC source (DC source). See figure 1 above.

Regarding claim 7, Mita discloses, in figures 1 and 3 above, a method for driving a gas discharge via an oscillator, that includes DC input terminals for connecting to a DC source and AC output terminals for connecting to a load comprising the lamp(12), the inductor(L1) and the capacitor(C1), the oscillator(see inverter control circuit (21) is coupled to Oscillation halting circuit (29)) providing a lamp voltage at a first high oscillating frequency ( $f_{o1}$ ) during ignition of the lamp(12) and at a second high oscillating frequency( $f_{o1}$ ) during normal operation of the lamp(12) after its ignition, wherein at least one of

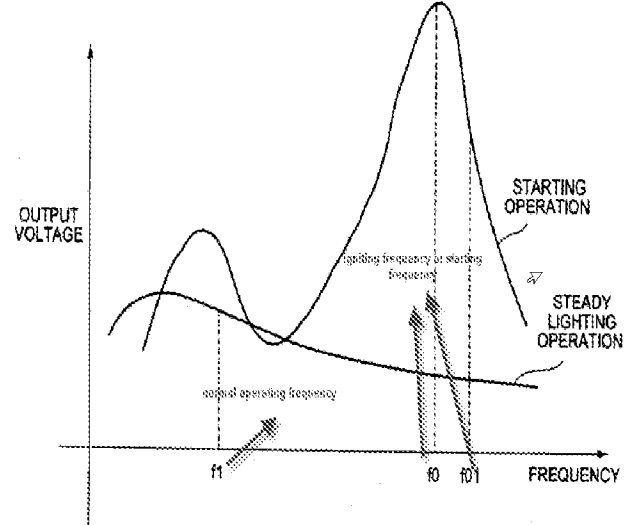


FIG. 3

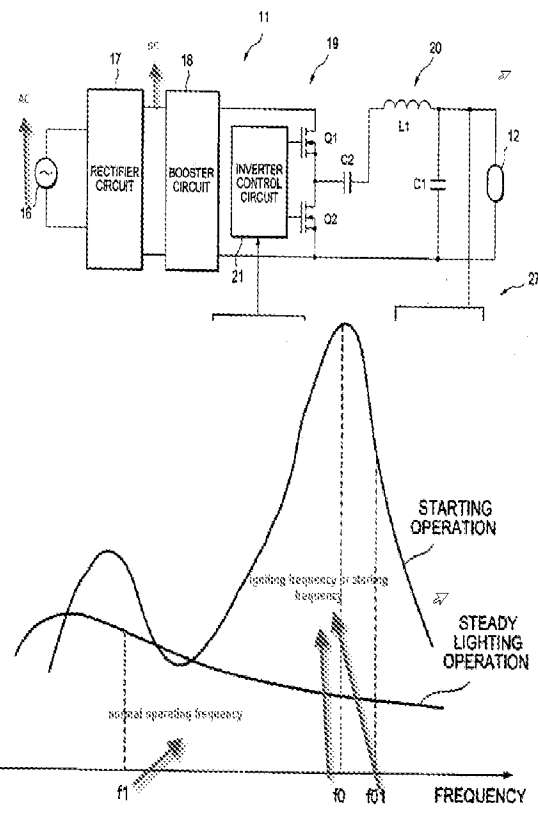


FIG. 3

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the first and second oscillating frequencies( $f_{01}$ ,  $f_0$ ) is frequency modulated (see figure 3 at the right). Page 4, paragraph [0049] to paragraph [0054] and page 5, paragraph [0057], lines 1-15.

Regarding claim 13, Mita discloses, in figures 1 and 3 above that, a gas discharge lamp assembly comprising: a capacitor, a gas discharge lamp coupled in parallel to the capacitor, an inductor that is in series with the lamp and capacitor, DC supply circuit(17) and driver(Q1,Q2) that includes an oscillator(inverter control circuit is coupled to the oscillation circuit as shown in figure 1 at the right) that includes DC input terminals coupled to the DC source and AC output terminals connected to a load comprising the lamp(12), the inductor(L1), and the capacitor(C1), the

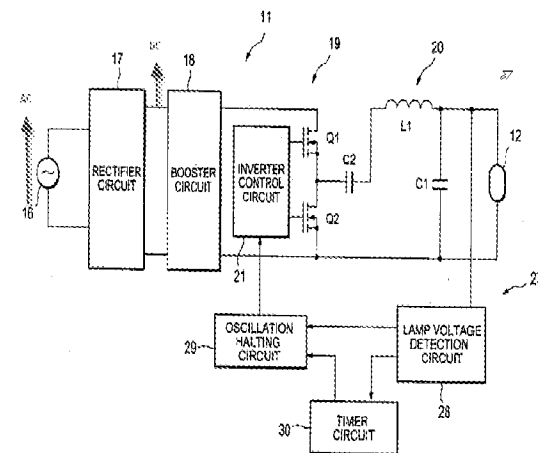


FIG. 1

oscillator(inverter control circuit and oscillation circuit)) providing a lamp voltage at a first high oscillating frequency( $f_{01}$ ) during ignition of the lamp and at a second high oscillating frequency ( $f_{01}$ )during normal operation of the lamp after its ignition, wherein at least one of the first and

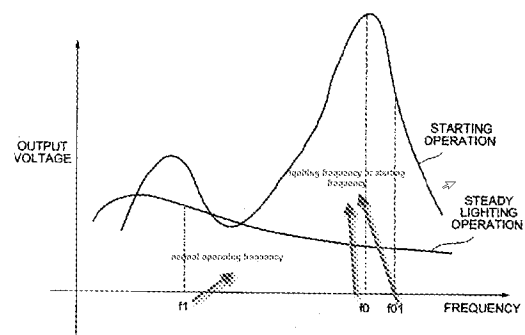


FIG. 3

second oscillating frequencies is frequency modulated . Page 4, paragraph [0049] to paragraph [0054] and page 5, paragraph [0057], lines 1-15.

Regarding claims 14, 17 and 19, Mita disclose wherein the first and second high oscillating frequencies are frequency modulated. See figure 3.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 8-11, 15-16, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Mita (Pub. No.: US 2003/0222594).

Regarding claims 2-3, 8-9, 15-16, 18, and 20 Mita discloses, in figure 3 that, the first and second oscillating frequencies ( $f_{01}$  and  $f_0$ ) as shown in figure 3 above, except for the ratio of the first to second oscillating frequencies is in a range of 2.2 to 7 or the ratio is about approximately 5.

This difference is not of patentable merit since, the difference of ratio is required the range of frequency between the first frequency and the second frequency and a result in the range of 2.2 to 7 or approximately 5 is subject to optimization.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the first and second frequencies for the ratio for at least 2.2 to 7 or approximately 5, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art.

Regarding claims 4-5, 10-11, Mita disclose all of the claimed subject matter, as expressly recited in claim 1, except for wherein the oscillating frequency is frequency

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modulated with less than 15% of an average of the oscillating frequency or wherein the frequency modulation is about 7% of the average of the oscillating frequency.

However, providing the frequency modulated with less than 15% or 7% of an average of the oscillating frequency from the oscillating frequency is not of patentable merits since it is directed to a operation of frequency in the ballast which does not differentiate apparatus claim from the prior art. A claim containing a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus if the prior art apparatus teaches all the structural limitations of the claim. See MPEP § 2114.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu A whose telephone number is (571) 272-1817. The examiner can normally be reached on M-F (5:30 AM-2: 45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Owens Douglas W can be reached on (571) 272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Minh A

Art Unit 2821

Date 6/15/09

/Douglas W Owens/  
Supervisory Patent Examiner, Art Unit 2821  
June 22, 2009